

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JESSICA RAMSAY	:	
	:	CIVIL ACTION
Plaintiff	:	
vs.	:	
NATIONAL BOARD OF MEDICAL	:	NO. 19-CV-2002
EXAMINERS	:	
	:	
Defendant	:	

**ORDER**

AND NOW, this 3rd day of February, 2020, upon consideration of Defendant's Motion to Stay Pending Appeal and Request for Expedited Ruling (Doc. No. 32), it is hereby ORDERED that the Motion is DENIED.<sup>1</sup>

BY THE COURT:

s/ J. Curtis Joyner

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J. CURTIS JOYNER, J.

<sup>1</sup> There are four factors which are properly considered in determining whether or not to grant a stay pending appeal: (1) whether the appellant has made a strong showing of the likelihood of success on the merits; (2) whether the appellant will suffer irreparable injury absent a stay; (3) whether a stay would substantially harm other parties with an interest in the litigation; and (4) whether a stay is in the public interest. Revel AC, Inc. v. IDEA Boardwalk LLC, 802 F.3d 558, 565 (3d Cir. 2015); Republic of Philippines v. Westinghouse Electric Corp., 949 F.2d 653, 658 (3d Cir. 1991).

In applying these factors to the case at hand, we find that Defendant has not made the requisite strong showing that it is likely to succeed on the merits nor has it shown that it will suffer irreparable injury in the absence of a stay or that a stay is in the interest of the public. Moreover, we believe that the record in this action, as discussed in the Memorandum Decision which is now on appeal, amply supports the finding that the Plaintiff would suffer substantial harm should a stay be granted. Indeed, it may even be argued that by now requesting such a stay on appeal of this Court's order entering a preliminary injunction, Defendant is endeavoring to, *de facto*, effectively overturn the injunction and moot the Court's decision. For these reasons, the Motion to Stay Pending Appeal is denied.